



COPY OF PAPERS  
ORIGINALLY FILED

Attorney's Docket No. 38867/240561

PATENTS

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Fenderson *et al.*  
Appl. No.: 09/990,570  
Filed: November 21, 2001  
For: HERBICIDAL COMPOSITIONS  
COMPRISING DIMETHENAMID

Confirmation No.: 2661  
Group Art Unit: (Not Yet Assigned)  
Examiner: (Not Yet Assigned)

Commissioner for Patents  
Washington, DC 20231

**DECLARATION OF ELISABETH HEISTRACHER  
IN SUPPORT OF FILING ON BEHALF OF A NONSIGNING INVENTOR  
UNDER 37 CFR §1.47(a)**

Sir:

I, Elisabeth Heistracher, do hereby declare and say as follows:

1. I am an employee of BASF AG, assignee of U.S. Patent No. 5,990,046 issued November 23, 1999, and pending Reissue Application Serial No. 09/990,570 filed November 21, 2001.

2. This Declaration is presented to establish the pertinent facts under 37 CFR §1.47(a) that demonstrate that Theo Quaghebeur, a joint inventor, refuses to join in the present reissue application or cannot be found after diligent effort.

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3. The last known mailing address for Theo Quaghebeur is Rue Haute folie 92, 7062 Naast, Belgium and his last known telephone numbers are 0032-67335592 and 0032-497448484.

4. I, Elisabeth Heistracher, attempted to obtain Theo Quaghebeur's signature on the Reissue Application Declaration for the above-referenced reissue patent application between February 18, 2002 and June 25, 2002. However, despite these attempts, I have been unable to obtain his signature because of his refusal to sign the declaration.

5. On February 18, 2002, I telephoned Theo Quaghebeur to inform him that signature documents for this application and a copy of U.S. Patent No. 5,990,046 would be mailed to him at the last known mailing address listed above via courier service. Mr. Quaghebeur told me he would accept the documents.

6. Between April 19, 2002 and April 25, 2002, I telephoned Theo Quaghebeur at the above telephone number, reminding Mr. Quaghebeur to sign and return the above-mentioned documents.

7. Between April 29, 2002 and May 13, 2002, I telephoned Theo Quaghebeur at the above telephone number, reminding Mr. Quaghebeur to sign and return the above-mentioned documents. He told me that he would sign and return the documents.

8. Between May 24, 2002 and June 24, 2002, I telephoned Theo Quaghebeur at the above telephone number, reminding Mr. Quaghebeur to sign and return the above-mentioned documents. He told me that he would sign and return the documents.

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9. On June 25, 2002, I telephoned Theo Quaghebeur at the above telephone number, reminding Mr. Quaghebeur to sign and return the above-mentioned documents. He told me that he would sign and return the documents.

As demonstrated by the above facts, I have made diligent efforts to have Theo Quaghebeur sign the Reissue Application Declaration and I forwarded the Declaration along with a copy of U.S. Patent No. 5,990,046 and U.S. Reissue Application No. 09/990,570 filed November 21, 2001 to Theo Quaghebeur to his last known address to meet the filing requirements for this application. I have, however, been unsuccessful in obtaining the signature of Theo Quaghebeur.

Elisabeth Heistracher

Elisabeth Heistracher

August 23, 2002

Date



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Group Art Unit: (Not Yet Assigned)  
Examiner: (Not Yet Assigned)

Commissioner for Patents  
Washington, DC 20231

**DECLARATION OF BEATE BELGRAVER  
IN SUPPORT OF FILING ON BEHALF OF A NONSIGNING INVENTOR  
UNDER 37 CFR §1.47(a)**

Sir:

I, Beate Belgraver, do hereby declare and say as follows:

1. I am an employee of BASF AG, assignee of U.S. Patent No. 5,990,046 issued November 23, 1999, and pending Reissue Application Serial No. 09/990,570 filed November 21, 2001.

2. This Declaration is presented to establish the pertinent facts under 37 CFR §1.47(a) that demonstrate that Theo Quaghebeur, a joint inventor, refuses to join in the present reissue application or cannot be found after diligent effort.

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3. The last known address for Theo Quaghebeur is Rue Haute folie 92, 7062 Naast, Belgium.

4. I, Beate Belgraver, attempted to obtain Theo Quaghebeur's signature on the Reissue Application Declaration for the above referenced reissue patent application between April 5, 2002 and June 24, 2002. However, despite these attempts, I have been unable to obtain his signature because of his refusal to sign the declaration.

5. On April 5, 2002, I sent signature documents for this application and a copy of U.S. Patent No. 5,990,046 to Theo Quaghebeur's last known address at Rue Haute folie 92, 7062 Naast, Belgium, by courier service. A copy of the correspondence is attached as Exhibit A. Mr. Quaghebeur made no reply to this initial request.

6. On June 24, 2002, signature documents for this application were again sent to Theo Quaghebeur's last known address at Rue Haute folie 92, 7062 Naast, Belgium by courier service. A copy of the correspondence is attached as Exhibit B.

As demonstrated by the above facts, I have made diligent efforts to have Theo Quaghebeur sign the Reissue Application Declaration and have forwarded a Declaration along with a copy of U.S. Patent No 5,990,046 and U.S. Reissue Application No. 09/990,570 filed November 21, 2001 to Theo Quaghebeur to his last known address to meet the filing requirements for this

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Filed: November 21, 2001  
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application. I have, however, been unsuccessful in obtaining the signature of Théo Quaghebeur.

Beate Belgraver  
Beate Belgraver

August 23, 2002  
Date

RTA01/2120818 v1

BASF Aktiengesellschaft

Image 3. pdf

**BASF**

BASF Aktiengesellschaft · D-67056 Ludwigshafen

Patente, Marken und Lizenzen  
Patents, Trademarks and Licenses

Mr. Theo Quaghebeur  
Rue Haute folie, 92  
7062 Naast

Belgium

05. April 2002

GVX/A - C 6  
Mrs. Belgraver  
FAX: ++49/621/60-52538  
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beate.1.belgraver@basf-ag.de

Docket Number 38867.240561

**"HERBICIDAL COMPOSITIONS COMPRISING DIMETHENAMID"**

Dear Mr. Quaghebeur,

Regarding to your telephone call of February 18, 2002 with Dr. Heistracher we are sending you herewith the Reissue Declaration for the above mentioned patent application.

We would ask you to sign this document with surname and christian name at the appropriate place in blue ink.

The attached Patent Specification is for your files.

Please send us the document at your earliest convenience by DHL. Our DHL client-no. is: 960300464. If you state this number, the document shipment costs will be borne by BASF AG, Ludwigshafen.

We thank you for your kind assistance in this case.

Very truly yours  
BASF Aktiengesellschaft  
Patent Department

Belgraver  
Belgraver  
Encl.

BASF Aktiengesellschaft

image 7.pdf

**BASF**

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Patente, Marken und Lizenzen  
Patents, Trademarks and Licenses

Mr. Theo Quaghebeur  
Rue Haute folie, 92  
7062 Naast

Belgium

June 24, 2002  
GVX/A - C 6  
Mrs. Belgraver  
FAX: 0621/60-52538  
e-mail: beate.belgraver@basf-ag.de

**Docket Number 38867.240561**

**Title: "HERBICIDAL COMPOSITIONS COMPRISING DIMETHENAMID"**

Dear Mr. Quaghebeur,

we would like to remind you of our letter dated April 05, 2002.

With this letter we enclosed a "Reissue Application Declaration by the Inventor" for your signature. Unfortunately we have not yet received it back. We would therefore very much appreciate it if you could return the signed documents to us at your earliest possible convenience. Your signature is required so that we can forward the pertinent documents to the Patent Office.

We look forward to hearing from you soon and remain

Very truly yours,  
BASF Aktiengesellschaft  
Patent Department

Belgraver

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